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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,602	01/12/2006	Shinichi Hara	TJP0356	8880
27305	7590	05/14/2009	EXAMINER	
HOWARD & HOWARD ATTORNEYS PLLC 450 West Fourth Street Royal Oak, MI 48067			DUONG, THO V	
			ART UNIT	PAPER NUMBER
			3744	
			MAIL DATE	DELIVERY MODE
			05/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/564,602	Applicant(s) HARA ET AL.	
	Examiner Tho v. Duong	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-6 and 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation, "the thickness" and "the wall" in lines 10-14. There are insufficient antecedent bases for these limitations in the claim.

Claim 5 recites the limitation "the thickness" and "the wall" in lines 14 and 17-19. There are insufficient antecedent bases for these limitations in the claim.

Claim 5 recites the limitation "the abovementioned elevator side" in lines 17-18. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the wall" and "said wall" in lines 4 and 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "which antibacterial case" in line 5. There is insufficient antecedent basis for this limitation in the claim. It is not clear whether "antibacterial case" is the same as "synthetic polymer case".

Claim 9 recites the limitation "said case" in line 7. There is insufficient antecedent basis for this limitation in the claim. It is not clear whether applicant refers "said case" to "synthetic polymer case" or "antibacterial case".

Claim 10 recites the limitation "the abovementioned case" and "the abovementioned antibacterial agent" in lines 2 and 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the abovementioned case" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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Claim 11 recites the limitation "the assembly" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Objections

Claims 7 and 8 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 7 and 8 depend on other multiple dependent claim 4. See MPEP § 608.01(n). Accordingly, the claims 7 and 8 have not been further treated on the merits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Matsumoto et al. (WO 01/06876A1). Matsumoto discloses (figure 1) a casing in which an antibacterial agent such as allyl isothiocyanate impregnated in a medium such as a porous body is sealed and in which the thickness of the wall (15) is formed to allow gas permeation of the antibacterial agent, which the case is characterized in that the thickness of one wall (22) of the case is formed thinner than the wall (13) opposing the wall (22). Matsumoto does not disclose that the case is formed from polypropylene. It would

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have been obvious to one having ordinary skill in the art to use polypropylene for casing, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto in view of Sanpei Hideo (JP 411201624A). Matsumoto substantially disclose all of applicant's claimed invention as discussed above except for the limitation that case is formed by the assembly of a plurality of small cases detachably fixed to each other. Sanpei discloses (figure 2) an antibacterial device (13) that is formed by the assembly of a plurality of small cases (15) detachably fixed to each other for a purpose of prolong the life of the antibacterial agent. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Sanpei's teaching in Matsumoto's device for a purpose of prolong the life of the antibacterial agent.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fujimori Joji (JP 410230011A) discloses an antibacterial deodorizing equipment.

Fujita (JP 2001231721) discloses an antibacterial refuse container.

Hiraki et al. (US 5,759,844) discloses an antibacterial article.

Sato et al. (US 6,487,868) discloses an air conditioner and method for controlling air conditioner.

Sato et al. (JP 2000088270A) discloses an air conditioner with antibacterial agent.

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Hara (JP 2003246215A) discloses an air conditioner for vehicle.

Iwasaki Kiyoko (JP 410315757A) discloses an aromatic antibacterial insect proof vaporizer.

Emorl (US 5,458,244) discloses a package packed with volatile substance.

Kaihatsu (US 4,961,493) discloses an aromatic package.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho v. Duong whose telephone number is 571-272-4793. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tyler J. Cheryl can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tho v Duong/
Primary Examiner, Art Unit 3744

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